NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Radiation Protection Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection Division regulations, LAC 33:XV.Chapters 5 and 6 (Log # NE019).

This proposed rule will amend the Radiation Protection Division's regulations concerning requirements for radiographer trainees in Chapter 5 and mammography physicists' certification in Chapter 6. Amendments to Chapter 5 will allow individuals who have not passed the State Radiography Certification exam to continue working as radiographers under specific conditions and limitations. Amendments to Chapter 6 will require that all mammography physicists be certified to perform mammography equipment surveys for quality control in Louisiana. Chapter 6
also allows for individuals presently working as mammography physicists to be certified under their on-the-job experience.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on June 26, 1997, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by NE019. Such comments should be submitted no later than July 3, 1997, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Post Office Box 82282, Baton Rouge, LA 70884 or to fax number (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of NE019.

This proposed regulation is available for inspection at the following DEQ office locations from 8:00 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, 4th floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508. This regulation is also available on the Internet at http://www.deq.state.la.us/olae/irdd/olaeregs.htm.

Gus Von Bodungen
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection
Chapter 5. Radiation Safety Requirements For Industrial Radiographic Operations
§503. Definitions

As used in this Chapter, the following definitions apply:

*** * ***
[See Prior Text]

Radiographer—any individual who ~~performs industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with the requirements of LAC 33:XV and all license or registration conditions.~~ has sucessfully completed the training, testing, and documentation requirements contained in LAC 33:XV.575.A.

Radiographer Assistant—any individual who:

a. has five years of documented experience as a radiographer who previously qualified under these regulations prior to January 1, 1995;

b. has a documented record of safely performing industrial radiography; and

c. has received confirmation from the division that such individual is acceptable to be a radiographer's assistant.

Radiographer Trainee—any individual who ~~, under the personal supervision of an instructor, uses sources of radiation, related handling tools, or radiation survey instruments during the course of his or her instruction.~~ has successfully completed the training, testing, and documentation requirements contained in LAC 33:XV.575.A, including the following conditions:

a. may have not completed the on-the-job training requirement consisting of 40 hours completed as part of a three-person crew composed of an instructor, a radiographer, and the trainee;

b. has not completed the radiation safety examination required by LAC 33:XV.575.A.6; and

c. has received written confirmation from the division that the individual is acceptable to be a radiographer

trainee. Trainee status will be granted only once for each individual and is valid for no longer than 12 consecutive months.

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[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division,LR 20:653 (June 1994), LR 23

Subchapter A. Equipment Control

§543. Radiation Survey Instruments

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[See Prior Text in A - C]

D. Each radiation survey instrument shall be checked with a radiation source at the beginning of each day of use and at the beginning of each work shift to ensure it is operating properly. Records of the ~~inspections~~ checks shall be maintained for two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23

§550. Performance Requirements for Radiography Equipment

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[See Prior Text in A - A.1]

2. in addition to the requirements specified in ~~LAC 33:XV.550.~~ Subsection A.1 of this Section, the following requirements apply to radiographic exposure devices and associated equipment:

*** * ***

[See Prior Text in A.2.a - c]

3. in addition to the requirements specified in ~~LAC 33:XV.550.~~ Subsection A.1 and 2 of this Section, the following requirements apply to radiographic exposure devices and associated equipment that allow the source to be moved out of the device for routine operation:

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[See Prior Text in A.3.a - 5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended LR 21:554 (June 1995), LR 23

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§575. Training and Testing

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[See Prior Text in A - C]

D. At temporary jobsites ~~E~~each licensee or registrant shall provide, as a minimum, two-person crews . Such crews shall consist ~~ing~~ of at least two qualified radiographers , ~~or a qualified radiographer and an approved instructor when sources of radiation are used at temporary jobsites.~~ an approved instructor directly supervising a qualified radiographer trainee, or an approved instructor supervising a radiographer assistant.

E. A radiation safety officer (RSO) shall be designated for every industrial radiography license and certificate of registration , or license condition specifying such, ~~shall be~~ issued by the department. The RSO's qualifications shall include:

1. possession of a high school diploma or certificate of high school equivalency based on the GED test;

2. completion of the training and testing requirements of ~~LAC 33:XV.575~~ this Section ; and

3. two years of documented radiation protection experience, including knowledge of industrial radiographic operations, with at least 40 hours of active participation in industrial radiographic operations .~~; and~~

~~4. four hours of emergency source retrieval training.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 20:999 (September 1994),LR 23

Subchapter C. Precautionary Procedures in Radiographic Operations

§590. Specific Requirements for Radiographic Personnel Performing Industrial Radiography

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[See Prior Text in A - C]

D. No individual other than a radiographer , a radiographer assistant, or a radiographer trainee who is under the personal supervision of a radiographer instructor shall manipulate controls or operate equipment used in industrial radiographic operations.

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[See Prior Text in E - F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended LR 23

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection
Chapter 6. X-rays in the Healing Arts
§602. Definitions

As used in this Chapter, the following definitions apply. Other definitions applicable to this Chapter may be found in LAC 33:XV.Chapters 1 and 2.

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[See Prior Text]

*Mammography Physicist—a*n individual who has submitted credentials to the division and who satisfies one or more of the following criteria:

1. is certified in radiological physics by the American Board of Radiology or the American Board of Medical Physics and who continues to meet the Mammography Quality Standards Act (MQSA) requirement of 15 hours of continuing mammography education every three years;

2. has a masters or doctoral degree from an accredited college or university in physics, engineering, chemistry, or environmental science, has at least one year of radiation survey experience that includes performing instrument surveys on at least 20 mammography units, and continues to meet

the MQSA requirement of 15 hours of continuing mammography education every three years;

3. has a bachelors degree from an accredited college or university in physics, engineering, chemistry, environmental science, or any biological science that included at least 10 semester hours of college-level physics, has had at least five years of experience with making radiation measurements that includes performing instrument surveys on at least 20 mammography units, and continues to meet the MQSA requirement of 15 hours of continuing mammography education every three years; and

4. has been approved by the division.

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[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421(November 1993), LR 23

§603. General and Administrative Requirements

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[See Prior Text in A - A.11]

12. Any person proposing to conduct a diagnostic or screening mammography program shall not initiate such a program without having a complete mammography facility survey performed by a mammography physicist initially and at least annually thereafter.

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[See Prior Text in B - C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:976 (October 1996),LR 23